June 30, 1955

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CONCORD, N.H.

Honorable Harry E. Jackson
Deputy Secretary of State
Concord, New Hampshire

Dear Mr. Jackson:

You have inquired whether foreign charitable corporations are required by the law of New Hampshire to file an annual statement and pay a registration and maintenance fee, as do business corporations. I respectfully reply in the affirmative.

R. L., c. 280, as amended by L. 1949, c. 206, requires every foreign corporation with certain exceptions not applicable to foreign charitable corporations desiring to do business in this state to pay the registration and maintenance fees. There is no distinction and no exemption of a New York corporation such as the Salvation Army.

That the Salvation Army and similar corporations engage in business in this state, whether or not for profit, is a matter of public notoriety. They operate an office, they hire personnel, they own real estate, they lease real estate, they have many representatives throughout the state. Many of the transactions of the Salvation Army or similar corporations in corporate form affect citizens of this state, and the purpose of R. L., c. 280, as amended, as set forth therein is to establish a registered agent for service of process in connection with claims arising from any of the foregoing transactions, whether in the course of business conducted in this state by a charitable corporation or business corporation for profit whenever either corporation is a foreign corporation. Exemption of charitable corporations from the application of c. 280 involves a question of policy for the General Court. The law as presently written requires the payment of both the registration and annual maintenance fee by every foreign corporation, except foreign insurance companies, holders of certificates of approval, and corporations otherwise specifically required to register and consent to service of process upon a state official.

Sincerely,

Louis C. Wyman
Attorney General

W/d